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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,291	06/04/2007	Tony N. Frudakis	DNA1180-2	7164
28213	7590	07/16/2009		
DLA PIPER LLP (US) 4365 EXECUTIVE DRIVE SUITE 1100 SAN DIEGO, CA 92121-2133			EXAMINER GOLDBERG, JEANINE ANNE	
			ART UNIT 1634	PAPER NUMBER
			MAIL DATE 07/16/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10589291	6/4/07	FRUDAKIS, TONY N.	DNA1180-2

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SAN DIEGO, CA 92121-2133

EXAMINER

JEANINE A. GOLDBERG

ART UNIT	PAPER
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1634

20090715

DATE MAILED:

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Commissioner for Patents

The reply filed on April 16, 2009 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s). The response elected the SNP of a TYRP1 gene, subcombination (A) and SEQ ID NO: 1 and 2. The examiner telephoned applicant to note that SEQ ID NO: 1 and 2 are not within the TYRP1 gene. Applicant responded they intended to selected SEQ ID NO: 8 and 9. Upon review of the claims, there is not currently a claim drawn to a subcombination of SEQ ID NO: 8 and 9. Claim 4, which SEQ ID NO: 8 and 9 belong depends on Claim 1 which requires a SNP from OCA2. Applicant is requested to select a combination or subcombination which is claimed. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Jeanine Goldberg whose telephone number is (571) 272-0743. The examiner can normally be reached Monday-Friday from 7:00 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Schultz, can be reached on (571)272-0763.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The Central Fax Number for official correspondence is (571) 273-8300.

/Jeanine A Goldberg/

Primary Examiner, Art Unit 1634